





**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Gary K. Graham

Art Unit: 1744

*In re:*

Applicant: Wilfried MERKEL

Serial No.: 10/018,651

Filed: March 1, 2002

**BRIEF ON APPEAL**

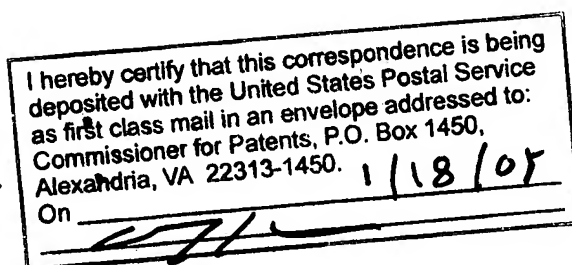
January 17, 2005

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia

Sir:

This is an appeal from the final rejection of claims 1-3 and 7 by  
the Primary Examiner.

01/26/2005 MAHMED1 00000053 194675 10018651  
01 FC:1402 500.00 DA



### Real Party of Interest

The real party of interest is Robert Bosch GmbH having a business address of Postfach 30 02 20, D-70442 Stuttgart, Germany.

### Related Appeals and Interferences

There are no related appeals or interferences known to appellant, the appellant's legal representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### Status of Claims

The present application contains claims 1-10.

Claims 4-6 and 8-10 were allowed by the Examiner.

Claims 1-3 and 7 were rejected.

### Status of Amendments

On June 21, 2004 the Examiner issued a Final Office Action.

After the Final Office Action the appellants filed a Request for Reconsideration on September 21, 2004 and also a Supplemental Request for Reconsideration on October 7, 2004.

Both documents were entered by the Examiner for the purpose of appeal.

#### Summary of the Claimed Subject Matter

The present invention deals with a link element 10 for windshield wipers, which is adjoined by a wiper rod 28 and is manufactured out of a metal sheet 16 by stamping and bending.

Starting from a longitudinally aligned covering wall 40, at least one wall part of a side wall 38, 42 is comprised of a number of sheet metal layers produced by being bent inwards by 180°. A hanging device 32, 52, 54, 60, 58, 64 for a tension spring is fastened to the innermost sheet metal layer and protrudes into a free space 30 between the side walls 38, 42.

In accordance with the present invention a slot 52 lateral to the longitudinal direction 56 of the link element 10 is let into the innermost sheet metal layer from the bottom edge 50 and a pin 54 is inserted into the slot.

This is defined in claim 1, the broadest claim on file, in the present application. This is also described on pages 8 and 9 of the specification and shown in Figures 5 and 6.

#### Issues to be Reviewed on Appeal

In the Final Office Action claims 1-3 and 7 were rejected under 35 U.S.C. 103(a) over the patent to Merkel in view of the patent to Tindas.

Only these claims still stand rejected by the Examiner. Also, the benefit claim by the appellants was not entered.

#### Argument

The Examiner rejected the claims over the art, in particular over the Merkel document taken singly or in view of the patent to Teindas.

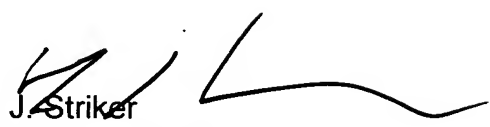
In connection with this, appellants submitted a petition to claim priority from the prior application serial no. 09/284,399 filed on June 1, 1999 issued as U.S. patent no. 6,505,377. Since the application serial no. 09/284,399 is based on the priority application corresponding to the German patent document to Merkel, it is believed that the German patent document to Merkel can not be considered any longer as a valid reference. Therefore, the Examiner's rejection of the claims based on the German reference to Merkel should be considered as no longer tenable and should be withdrawn.

The patent to Teindas taken along does not teach the new features of the present invention as defined in claim 1 and in the claims which depend on it and share its features.

In view of the above presented arguments, it is therefore respectfully requested to reverse the rejection claims 1-3 and 7 and to allow these claims as well, together with other claims which were allowed by the Examiner.

Reconsideration and allowance of the present application is most respectfully requested.

Respectfully submitted,



Michael J. Striker  
Attorney for Applicants  
Reg. No. 27233

## APPENDIX

1. (Original) A link element (10) for windshield wipers, which is adjoined by a wiper rod (28) and is manufactured out of a metal sheet (16) by means of stamping and bending, in which starting from a longitudinally aligned covering wall (40), at least one wall part of a side wall (38, 42) is comprised of a number of sheet metal layers produced by being bent inward by 180°, and a hanging device (32, 52, 54; 60; 58, 64) for a tension spring is fastened to the innermost sheet metal layer and protrudes into a free space (30) between side walls (38, 42), characterized in that a slot (52) lateral to the longitudinal direction (56) of the link element (10) is let into the innermost sheet metal layer from the bottom edge (50) and a pin (54) is inserted into this slot.

2. (Previously presented) The link element (10) according to claim 1, wherein the slot (52) and the covering wall (40) enclose an acute angle ( $\varphi$ ) whose vertex points toward a linking end (34).

3. (Previously presented) The link element (10) claim 1, wherein the pin (54) is press-fitted and/or secured in detent fashion between the outer sheet metal layers of the side walls (38, 42).



7. (Previously presented) The link element (10) according to claim 1, wherein the wiper rod (28) is formed onto it.